

REMARKS

This amendment is in response to the Office Action mailed July 27, 2004.

The responses are arranged in the same order in which issues are raised in the Office Action.

DRAWINGS

The Examiner objects to the drawings because Figures 1-6 are not labeled "Prior Art". The Examiner also requires each of the drawings to be captioned "Replacement Sheet". In response, the drawings are amended in accordance with the Examiner's requirement. Applicant requests that the drawings be forwarded to the Chief Draftsperson upon approval by the Examiner.

SPECIFICATION

The Examiner objects to the specification because in paragraph 39 "910" should have been "906". In response, paragraph 39 is amended according to the Examiner's suggestion. The other suggestion which the Examiner made relative to the specification cannot be complied with. In particular, the Examiner wants applicant to change current language in the specification to read: "This will look similar to the screen he was viewing, except that one line of the order [shopping cart] will have been removed . . . ". It is applicant's position that this change is not necessary and the language which is presently in the application is sufficient and will remain. Applicant's objection in part is based upon the fact that the Examiner is introducing "shopping cart" in applicant's specification. This

terminology was taken from U.S. Patent 6,629,079 B1 (Spiegel et al.). Applicant sees no reason to introduce this language when --as argued herein-- there is clear distinction between the Spiegel reference and applicant's claimed invention.

CLAIM OBJECTIONS

The Examiner objects to several claims because of informalities. The Examiner's arguments are set forth on pages 3-5 of the Office Action. Except for informalities in claims 7, 10 and 13 --now corrected-- applicant respectfully disagrees with the Examiner. Applicant believes the claims comply with the Patent Office standard and practice and see no reason at this time to amend based upon informalities. In fact, some of the Examiner's informalities seem to be the way the Examiner chooses to interpret the claim (broad or narrow). How could applicant amend the claim to affect the Examiner's interpretation is not clear. As a consequence, applicant elects to leave the claims as drafted relative to issues on informalities.

CLAIM REJECTIONS

Claims 1-3, 4-6, 10-12 and 16-18 are rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,459,499 (Tomat). This patent describes and teaches multiple profiles for different printing protocols. In contrast, the claims as amended require a control screen including credit card number, etc., selectable by a user. No such teaching can be found in Tomat. It is settled law that in order for a reference to anticipate claims the reference must show every element, feature and function of the claimed invention. Tomat does not teach the amendment which has been added to these claims. Therefore, the claims as amended are now patentable over Tomat.

Claims 7-9 and 13-15 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,459,499 (Tomat) in view of Spiegel et al. (U.S. Patent 6,629,079).

For reasons set forth below applicant contends these claims are patentable over the combined references.

Claims 9 and 15 are merged into claim 4 and claim 10, respectively. The merged claims (9 and 15) are canceled without prejudice.

RESULTANT REFERENCE DOES NOT TEACH ELEMENTS
OF CLAIMED INVENTION

A rejection based upon obviousness requires the Examiner establish a prima facie case of obviousness. To establish a prima facie case of obviousness the prior art reference must teach or suggest all the claimed limitations. MPEP section 2142.

It is applicant's contention that the prior art reference does not teach a control screen including user-selectable credit card number. A review of the references does not find this teaching or suggestion. It is noted the Examiner points to Spiegel's col. 2, lines 35-59 as supporting this feature. See Office Action (dated 07/27/2004) page 7, third paragraph. However, applicant respectfully disagrees with the Examiner and argue that this section of Spiegel is referring to the cumbersome nature of the prior art e-commerce and uses the example of a single user having multiple credit cards as an example of problems which the prior art does not adequately address. It is not a teaching of how to address this problem. In fact, this portion of Spiegel is construed by applicant to teach problems associated with the prior art. Unfortunately, Spiegel does not solve this problem in his invention. Nowhere in Spiegel is a teaching of how to handle multiple credit cards in a way that is simple for

the user. Alternately, applicant argues that even if this was a suggestion relative to credit card use the information would be insufficient to teach an artisan how to solve this problem. As a consequence, applicant contends that all the limitations in applicant's claim is not suggested in reference singly or combined. Therefore, the Examiner fails to make out a prima facie case of unobviousness.

**NOVEL PROCESS/STRUCTURE AND SOLUTION TO
PROBLEM SUGGEST UNOBVIOUSNESS**

Due to the amendment set forth above, claims 7 and 8 (due to dependency) provide novel processes. Likewise, claims 13 and 14 provide novel structures. As argued above and incorporated herein by reference the statement at col. 2, lines 35-59 of Spiegel suggests a problem in the prior art which Spiegel's reference did not address. It should be noted that this problem is set forth in applicant's specification at page 4, lines 15-18. The problem is solved in applicant's invention by providing user-selectable credit card number which the user can select which credit card he wants a particular order to be charged to. It is applicant's contention that solution of the problem together with novel process (claims 7-8) and novel structure claims (13-14) are indicia of nonobviousness. As a consequence, claims 7-8 and 13-14 are patentable over the art of record.

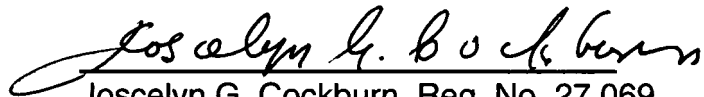
In reviewing the application it was noted that Figure 11 was not explicitly described in the specification. This amendment provides a full description of Figure 11. It is believed that this is not new matter since applicant merely describes what is already shown in the specification and described (probably implicitly) in the specification.

Figures 12-14 are database structures or records used for aggregation which is disclosed in the specification at col. 5, lines 1-2. In addition, these figures and descriptions relate to Figure 7 and as such are not deemed to be new matter.

The new claims 19-25 are deemed patentable over the art of record.

It is believed that the present amendment answers all the issues raised by the Examiner. Reconsideration is hereby requested and an early allowance of all the claims is solicited.

Respectfully Submitted,



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Amendments to the Drawings:

The attached sheets of drawings includes:

Changes to Figures 1-6. Figures 1-6 are amended to add "Prior Art" and the sheets replace the original sheets including Figures 1-6.

Figure 11 is amended to add block 1100 and to remove "Service Provider" text from the center block. The sheet replaces the original sheet including Figure 11.

Figures 12, 13 and 14 are newly added.

Attachments: Replacement Sheets for Amended Figures 1, 2, 3, 4, 5, 6 and 11
 New Sheets for Newly Added Figures 12, 13, 14